

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LG 19 DOE

Plaintiff,

COMPLAINT

vs.

THE DIOCESE OF BUFFALO, N.Y.

Defendant.

Plaintiff, above named, by his attorneys, LIPSITZ GREEN SCIME
CAMBRIA LLP, for his Complaint against Defendant, alleges:

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANT, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 19 DOE, ALLEGES AS FOLLOWS:**

1. Plaintiff, LG 19 DOE, is a resident of the City of North Tonawanda located within the County of Niagara and State of New York.
2. This action is commenced pursuant to the provisions of the Child Victim's Act.
3. At the time of the incidents set forth herein, Plaintiff, LG 19 DOE, (hereinafter referred to as "THE CHILD") was an infant having been born in 1968.
4. Upon information and belief, at all times herein mentioned, Defendant, THE DIOCESE OF BUFFALO, N.Y., was and still is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York and maintains an office for the transaction of business located within the County of Erie and State of New York.
5. Upon information and belief, at all times herein mentioned, Immaculate

Conception Church, was a not-for-profit religious organization duly organized and existed under and by virtue of the laws of the State of New York, operating by and through Defendant, THE DIOCESE OF BUFFALO, N.Y., and maintained an office for the transaction of business located at 150 Edward Street, Buffalo, New York.

6. Upon information and belief, Immaculate Conception Church closed and did not merge with another church.

7. Upon information and belief, at all times herein mentioned, Michael J. Harrington, (hereinafter referred to as "THE CHILD MOLESTER") was hired and employed by THE DIOCESE OF BUFFALO, N.Y. and THE DIOCESE OF BUFFALO, N.Y. conferred upon THE CHILD MOLESTER the religious title "Father."

8. Upon information and belief, THE CHILD MOLESTER, is deceased.

9. According to THE ROMAN CATHOLIC CHURCH doctrine, when a person physically dies, he or she lives forever through their "Soul" and according to THE ROMAN CATHOLIC CHURCH doctrine, THE CHILD MOLESTER, in all likelihood, therefore now resides in a placed called "Hell" due to the sexual crimes he committed against THE CHILD and other children. Despite exercising due diligence, THE CHILD is unable to locate "Hell" to serve THE CHILD MOLESTER with the Summons and Complaint. The limitations set forth in CPLR §1601 do not apply.

10. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was assigned to Immaculate Conception Church as a priest by Defendant THE DIOCESE OF BUFFALO, N.Y., and was acting as its agent, employee or representative.

11. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was under the direction, supervision and control of Defendant, THE DIOCESE OF BUFFALO, N.Y.

12. Beginning on or about the 1st day of January 1978, and continuing through sometime in 1981, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD at Immaculate Conception Church and said assault and battery constituted sexual offenses as defined in Article 130 of the Penal Law.

13. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD.

14. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

15. This action falls within one or more of the exceptions set forth in CPLR §1602.

16. As a result of the foregoing, THE CHILD, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

17. As a result of the foregoing, THE CHILD, claims punitive damages in

an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANT, HEREIN:**

18. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "17" of this Complaint with the same force and effect as if fully set forth herein.

19. Upon information and belief, Defendant, THE DIOCESE OF BUFFALO, N.Y, trained, hired, selected and approved THE CHILD MOLESTER as a priest at Immaculate Conception Church, placing him in a position with authority and power over THE CHILD.

20. Defendant, THE DIOCESE OF BUFFALO, N.Y., knew or reasonably should have known of the propensities of THE CHILD MOLESTER to commit acts of sexual assault, battery, rape and other sexual offenses against THE CHILD and other children.

21. Upon information and belief, prior to the incident set forth herein, Defendant, THE DIOCESE OF BUFFALO, N.Y., was aware and was otherwise on actual notice that a number of its employees working as priests, were sexually abusing and/or sexually assaulting and/or molesting and/or raping children.

22. Upon information and belief, the aforesaid incidents and resultant injury and damages to THE CHILD were caused as a result of the negligence, carelessness and recklessness of Defendant, THE DIOCESE OF BUFFALO, N.Y., in the training, hiring, selecting and assignment of THE CHILD MOLESTER.

23. The acts and/or omissions of Defendant, THE DIOCESE OF BUFFALO, N.Y., constitute reckless disregard for the safety of THE CHILD and other children.

24. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANT, HEREIN:**

25. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "24" of this Complaint with the same force and effect as if fully set forth herein.

26. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE DIOCESE OF BUFFALO, N.Y., in the retaining of THE CHILD MOLESTER.

27. The acts and/or omissions of Defendant, THE DIOCESE OF BUFFALO, N.Y., constitute reckless disregard for the safety of THE CHILD and other children.

28. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANT, HEREIN:**

29. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "28" of this Complaint with the

same force and effect as if fully set forth herein.

30. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE DIOCESE OF BUFFALO, N.Y., in supervising THE CHILD MOLESTER.

31. The acts and/or omissions of Defendant, THE DIOCESE OF BUFFALO, N.Y., constitute reckless disregard for the safety of THE CHILD and other children.

32. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against Defendant, in the First, Second, Third and Fourth Causes of Action in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for such other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

DATED: Buffalo, New York
September 18, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 
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